



PATENT

Attorney Docket: 2497 CIP3 CON4 (203-3450 CIP3 CON4)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Kieturakis et al.

EXAMINER: Dawson, Glenn K.

SERIAL NO.: 10/786,873

ART UNIT: 3731

FILED: February 25, 2004

DATED: November 29, 2005

FOR: APPARATUS AND METHOD FOR DISSECTING TISSUE LAYERS

Mail Stop - AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL FORM

Sir:

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY	OTHER THAN SMALL ENTITY
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	ADDIT. RATE FEE	ADDIT. RATE FEE
TOTAL	14	MINUS 20	= 0	X 25 \$	X 50 \$ 0.00
INDEP.	1	MINUS 3	= 0	X 100 \$	X 200 \$ 0.00
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				X 180 \$	X 360 \$ 0.00
				TOTAL	OR TOTAL \$ 0.00
				ADDIT. FEE	\$ 0.00

No additional fee is required.

* If the entry in Co. 1 is less than entry in Col. 2, write "0" in Col. 3.

** If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The Highest No. Previously Paid For (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Mail Stop Amendment, Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on November 29, 2005.

Dated: November 29, 2005

Maureen E. Bitz

- ☐ Please charge Deposit Account No. 21-0550 in the amount of \$_____. Two (2) copies of this sheet are enclosed.
- ☐ A check in the amount of \$_____ is enclosed.
- ☒ Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. § 1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 21-0550. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 21-0550 therefor. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

Respectfully submitted,

David M. Carter

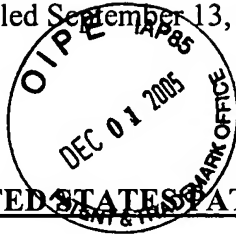
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Appl. No. 10/786,873
Amdt. dated November 29, 2005
Reply to Office Action mailed September 13, 2005



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AMENDMENT

Sir:

In response to the Office Action mailed September 13, 2005, please consider the following remarks.

The Office Action rejected claims 2, 3, 5-7, and 9 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 9 of U.S. Patent No. 5,772,680 in view of U.S. Patent No. 5,309,896 to Moll et al. In response thereto, Applicants hereby submit a terminal disclaimer in accordance with 37 C.F.R. § 1.321(c) and the fee required under 37 C.F.R. § 1.20(d). Therefore, it is respectfully submitted that the Office Action's obviousness-type double patenting rejection of claims 2, 3, 5-7, and 9 has been overcome.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

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Dated: November 28, 2005


Maureen E. Bitz

Appl. No. 10/786,873
Amdt. dated November 29, 2005
Reply to Office Action mailed September 13, 2005

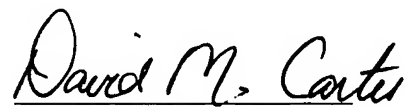
Furthermore, claims 4, 8, and 10-15 were objected to as being dependent upon a rejected base claim. As discussed above, the rejection of claims 2, 3, 5-7, and 9 has been overcome. Therefore, it is respectfully submitted that claims 4, 8, and 10-15 are in condition for allowance and the objection of the Office Action has been overcome.

Please charge the fee required under 37 C.F.R. § 1.20 (d) to Deposit Account 21-0550.

TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

Prompt and favorable action on these claims, namely claims 2-15, is earnestly requested. Should the Examiner desire a telephonic interview to resolve any outstanding matters, the Examiner is sincerely invited to contact the undersigned at 631-501-5701.

Respectfully submitted,



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